DCS Administrative Policy

Subject: **Claims Officers Handling Cases in Tribal Court**	Policy Number: **3.04**
Approved: *Georgiann DeKay* Georgiann DeKay, Acting Director	
Supersedes: **N/A**	Effective Date: **June 8, 2001**

I. Background

Generally, Assistant Attorneys General or Deputy Prosecuting Attorneys represent the Division of Child Support (DCS) in judicial actions to establish or enforce child support orders. Through the efforts of the State Tribal Relations Unit (STRU) and local field office liaisons, DCS negotiated access to tribal court in several sovereign jurisdictions. Due to this unique relationship, both DCS and the Office of the Attorney General (OAG) recognized that relying upon DCS Claims Officers to handle these cases was an appropriate and effective use of resources.

II. Purpose

To provide DCS Claims Officers with a clear statement authorizing their appearance in tribal court on behalf of DCS.

III. Scope

This policy applies to Claims Officers who may appear in tribal court on a DCS case.

IV. Policy

The Office of the Attorney General authorizes DCS Claims Officers to handle cases in tribal court. Refer to the letter dated April 6, 1995, from OAG to DCS.

V. Procedures

A. Many tribal courts require representatives that appear before the tribunal to belong to the tribal bar and pay a tribal bar admission fee. In some instances, it may be necessary for the DCS representative to pass a tribal examination. DCS will pay for the cost of purchasing copies of appropriate tribal codes and pay tribal bar admission fees when necessary.

B. DCS will pay for appropriate tribal court filing fees as required by tribal code.

C. In rare circumstances, a tribe may insist that the DCS representative obtain individual authorization from the Office of the Attorney General. The OAG will assist DCS by appointing a DCS Claims Officer as a Special Assistant Attorney General. DCS Claims Officers that require this special appointment should contact David Stillman, Chief of Administrative Operations.

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